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(NO.PATNA 827) PATNA, FRIDAY, 13TH OCTOBER 2023

PATNA HIGH COURT

NOTIFICATION

12th October 2023

Addenda and Corrigenda to Criminal Court Rules of the High Court of Judicature at Patna (Volume-I) (Third Edition) C.S. (Crl.) No. – 100

No. (X-04-2022) Admn. 592(R)/Rules Deptt.— In compliance of directions given vide Order dated 01.11.2022 passed by Hon'ble Supreme Court of India in Contempt Petition (C) No. 555 of 2022 in SLP (Crl.) No. 5073 of 2011 (Eega Soumya Vrs. M. Mahender Reddy & Ors.) read with Hon'ble Supreme Court's order dated 25.04.2014 passed in SLP (Crl.) No. 5073/2011 (State of Karnataka by Nonavinakere Police Vrs. Shivanna @ Tarkari Shivanna) and judgement dated 08.10.2020 passed in Criminal Appeal No.-659 of 2020 (Miss 'A' vrs. State of Uttar Pradesh and Anr.), the following amendments are made in the Criminal Court Rules of the High Court of Judicature at Patna (Volume-I) with immediate effects :

After Rule-29B under Part-I, Chapter-III (Confession and Statements of Accused-Section 164 Cr.P.C.), the following Rules shall be inserted, namely :-

29-C. – *Procedure to be followed in cases of rape and gang rape lodged under section 376 IPC :*

- (i)** Upon receipt of information relating to the commission of offence of rape, the Investigating Officer shall make immediate steps to take the victim to any Judicial Magistrate for the purpose of recording her statement under Section 164 Cr.P.C. A copy of the statement under Section 164 Cr.P.C. should be handed over to the

Investigating Officer immediately with a specific direction that the contents of such statement under Section 164 Cr.P.C. should not be disclosed to any person till charge sheet/report under Section 173 Cr.P.C. is filed.

- (ii) The Investigating Officer shall as far as possible take the victim to the nearest Lady Judicial Magistrate.
- (iii) The Investigating Officer shall record specifically the date and the time at which he learnt about the commission of the offence of rape and the date and time at which he took the victim to the Lady Judicial Magistrate as aforesaid.
- (iv) If there is any delay exceeding 24 hours in taking the victim to the Magistrate, the Investigating Officer should record the reasons for the same in the case diary and hand over a copy of the same to the Magistrate.
- (v) Medical Examination of the victim: Section 164 A Cr.P.C. inserted by Act 25 of 2005 in Cr.P.C. imposes an obligation on the part of Investigating Officer to get the victim of the rape immediately medically examined. A copy of the rape immediately medically examined. A copy of the report of such medical examination should be immediately handed over to the Magistrate who records the statement of the victim under Section 164 Cr.P.C.”
- (vi) Under no circumstances copies of statements recorded under Section 164 of the Cr.P.C. shall be furnished till appropriate order taking cognizance in terms of Section 190 of the Code and issuance of process is passed by the court after the charge-sheet is filed under Section 173 of the Code in such matter and at the stage contemplated by Sections 207 and 208 of the Code and not before.

All the existing Rules, notifications, general letters, orders and directions shall also stand modified to this extent.

By Order of the Court,
RUDRA PRAKASH MISHRA,
Registrar General.

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